

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed February 17, 2011. At the time of the Office Action, Claims 10, 12-17, 19-23, and 25-29 were pending, and Claims 1-9, 11, 18, and 24, were previously cancelled. All pending Claims 10, 12-17, 19-23, and 25-29 were rejected in the Office Action. Independent Claims 10, 12, and 25 are herein amended. Applicants respectfully request reconsideration and allowance of all pending claims.

Rejections under 35 U.S.C. § 102

Claims 10, 12, 17, 23, 25, and 27-29 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by *Joos* (U.S. 2004/0237937).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Applicants respectfully submit that *Joos* does not teach "each and every element" or "the identical invention" as recited in Applicants' claims. For example, with respect to Claim 12, the Examiner equates the same value of *Joos* -- "limiting value G" -- with both the "desired fuel pressure value" and the "calculated actual fuel pressure gradient." (Office Action, page 2). Applicants submit that one of ordinary skill in the art would clearly understand from the claims, particularly in view of the specification, that the "desired fuel pressure value" and the "calculated actual fuel pressure gradient" are different values, one being a single pressure value and the other being a measure of the change in pressure over time.

However, in order to advance prosecution in a timely manner, Applicants have amended independent Claims 10, 12, and 25 to make this distinction more explicit. For example, amended Claim 10 recites "wherein the desired fuel pressure value represents a fuel pressure, in contrast to the calculated actual fuel pressure gradient, which represents a change

in fuel pressure over time.” Thus, the claim requires two different values: a desired fuel pressure value and a calculated actual fuel pressure gradient. Moreover, the claims require determining an actuating signal as a function of these two different values (if the calculated actual fuel pressure gradient is above the specified threshold gradient value).

Thus, for at least the various reasons set forth above, Applicants respectfully submit that amended Claim 10 is clearly and explicitly distinguished from *Joos*. Accordingly, Applicants request reconsideration and allowance of Claim 10, as well as all claims that depend therefrom. Also, for similar reasons, Applicants request reconsideration and allowance of amended Claims 12 and 25, as well as all claims that depend therefrom.

All Dependent Claims are Allowable.

Claims 13-16 and 19-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Joos* in view of *Amann* (U.S. 5,345,916).

Claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Joos* in view of *Ismailov* (U.S. 2003/0217737).

Applicants respectfully submit that Claims 13-16, 19-22, and 26 are allowable at least because they depend from the independent claims shown above to be allowable. Further, neither *Amann* nor *Ismailov* teaches the features of the independent claims not taught by *Joos*. Further, Applicants do not concede that either of the proposed combinations of references are legally proper. Thus, for at least these reasons, Applicants respectfully request allowance of all pending dependent claims.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512-457-2030.

Respectfully submitted,
KING & SPALDING LLP
Attorney for Applicants

EMG

Eric M. Grabski
Registration No. 51, 749

Date: 5/16/11

SEND CORRESPONDENCE TO:

KING & SPALDING L.L.P.

CUSTOMER ACCOUNT NO. **86528**

512-457-2030

512-457-2100 (fax)